

Federal Communications Commission

FCC 99-246

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Massachusetts Department of)
Telecommunications and Energy's Petition) CC Docket No. 96-98
for Waiver of Section 52.19 to Implement) NSD File No. L-99-19
Various Area Code Conservation Methods in)
the 508, 617, 781, and 978 Area Codes)

ORDER

Adopted: September 15, 1999

Released: September 15, 1999

By the Commission:

I. INTRODUCTION

1. This order responds to the Massachusetts Department of Telecommunications and Energy's (Department) Petition for Waiver of Section 52.19 (Petition) requesting additional authority from the Commission to implement various area code conservation measures in the 508, 617, 781, and 978 area codes in eastern Massachusetts. We herein conditionally grant the Department the authority to institute thousands-block pooling trials; reclaim unused and reserved NXX codes, and portions of those codes; maintain rationing procedures for six months following area code relief; set numbering allocation standards; and hear and address claims of carriers seeking numbering resources outside of the rationing process. We determine that authorizing carriers to use inconsistent rate centers and extended local calling areas already is within the authority of the Department, and therefore no action on our part is necessary with respect to this aspect of the Department's request. We deny the Department's request for authority to implement unassigned number porting. We decline to reach the Department's request to revise NXX code rationing procedures at this time. Although we grant the Department interim authority to institute many of the optimization measures raised in its Petition, this grant will be superseded by forthcoming decisions in the *Numbering Resource Optimization* proceeding¹ that will establish national guidelines, standards, and procedures for numbering optimization. Thus, this limited grant of delegated authority should not be construed as prejudging any of the issues on which the Commission has sought public comment in the *Numbering Resource Optimization Notice*.

2. Although the Petition is styled as a petition for waiver of 47 C.F.R. § 52.19(c)(3), because that section refers only to the requirements for implementing an area code overlay, we

¹ See *Numbering Resource Optimization, Notice of Proposed Rulemaking*, CC Docket No. 99-200, FCC 99-122 (rel. June 2, 1999) (*Numbering Resource Optimization Notice*).

will interpret the Petition as a request for an additional delegation of authority, as paragraph 31 of the *Pennsylvania Numbering Order* contemplates.² In order to grant the Department's request, we must find that the Department's proposed number usage optimization plans do not negatively impact consumers' ability to choose from competing telecommunications service providers in the marketplace, and that the plans do not impair the functioning of the public switched telephone network in eastern Massachusetts and nationwide.

II. BACKGROUND

3. Congress granted the Commission plenary jurisdiction over numbering issues.³ Section 251(e)(1) of the Act also allows the Commission to delegate to state commissions all or any portion of its jurisdiction over numbering administration.⁴ The Commission's regulations generally require that numbering administration: (1) facilitate entry into the telecommunications marketplace by making telecommunications resources available on an efficient and timely basis to telecommunications carriers; (2) not unduly favor or disfavor any particular industry segment or group of telecommunications consumers; and (3) not unduly favor one telecommunications technology over another.⁵ Further, our regulations specify that, if the Commission delegates any telecommunications numbering administration functions to any state, the states must perform the functions in a manner consistent with these general requirements.⁶

4. On September 28, 1998, the Commission released the *Pennsylvania Numbering Order* delegating additional authority to state commissions to order NXX code rationing in conjunction with area code relief decisions, in the absence of industry consensus.⁷ The order further approved a mandatory thousands-block number pooling trial in Illinois.⁸ The order provided that state utility commissions could order voluntary pooling trials,⁹ but in view of the Commission's efforts to develop national pooling standards, we declined to delegate to state commissions the general authority to order mandatory number pooling.¹⁰ The *Pennsylvania*

² Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, *Memorandum Opinion and Order and Order on Reconsideration*, CC Docket No. 96-98, 13 FCC Rcd 19009, 19030, ¶ 31 (1998) (*Pennsylvania Numbering Order*). The Petition specifies that the Massachusetts Department of Telecommunications and Energy seeks "additional authority to implement various area code conservation measures." Petition at 1.

³ 47 U.S.C. § 251(e).

⁴ 47 U.S.C. § 251(e)(1).

⁵ 47 C.F.R. § 52.9(a).

⁶ 47 C.F.R. § 52.9(b).

⁷ *Pennsylvania Numbering Order* at 19025, ¶ 24.

⁸ *Id.* at 19029-30, ¶ 30.

⁹ *Id.* at 19027-28, ¶¶ 27-28.

¹⁰ *Id.* at 19027, ¶ 27. Subject to conditions, we permitted states to order the withholding of a certain number of

Numbering Order, however, encouraged state commissions to seek further limited delegations of authority to implement other innovative number conservation methods prior to implementing number conservation plans.¹¹

5. In its Petition, the Department requests that the Commission grant it the authority, in the 508, 617, 781, and 978 area codes, to: (1) reclaim unused and reserved exchange codes; (2) maintain current central office code rationing measures for at least six months after implementation of all the area code relief plans; (3) revise rationing procedures; (4) hear and address claims of carriers seeking additional codes outside of the rationing plan; (5) set code allocation standards; (6) institute thousands-block number pooling; (7) implement extended local calling areas; (8) implement inconsistent rate centers; and (9) implement Unassigned Number Porting.¹² The Department states that it requests this additional authority as part of its ongoing area code relief plan investigation and area code conservation investigation for these area codes.¹³ The Department also believes that a grant of the requested authority will help mitigate the need for additional area codes in eastern Massachusetts.¹⁴ Furthermore, the Department maintains that state regulators, on the basis of their knowledge of local market conditions, are best able to explore whether a given area code conservation method would unreasonably discriminate against certain carriers or industry segments and unduly inhibit competition in Massachusetts.¹⁵ On March 5, 1999, the Petition was placed on Public Notice for public comment.¹⁶

III. DISCUSSION

6. We recognize that the area code situation in Massachusetts is critical, with area code relief necessary for the second time in only two years.¹⁷ In light of this extreme situation and in order to empower the Department to take steps to make number utilization more efficient, we herein grant significant additional authority to the Department. In some instances, we are granting the Department authority that goes beyond the parameters outlined in the *Pennsylvania Numbering Order*, because we find such grant to be appropriate in light of the specific circumstances in Massachusetts.

NXX codes within a new area code from assignment and saved for pooling. *Id.*

¹¹ *Id.* at 19030, ¶ 31.

¹² Petition at 4.

¹³ Petition at 1.

¹⁴ Petition at 5.

¹⁵ See Petition at 5.

¹⁶ Common Carrier Bureau Seeks Comment on Massachusetts Department of Telecommunications and Energy Request for Additional Authority to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, *Public Notice*, DA 99-461 (rel. Mar. 5, 1999).

¹⁷ Petition at 1.

7. Many of the measures proposed in the Department's Petition are also examined in a Notice of Proposed Rulemaking that this Commission recently released.¹⁸ Although we grant the Department interim authority to institute many of the optimization measures in the Petition, we do so subject to the caveat that this grant will be superseded by forthcoming decisions in the *Numbering Resource Optimization* proceeding that will establish national guidelines, standards, and procedures for numbering optimization. This limited grant of delegated authority should not be construed as a prejudgment of any of the measures on which the Commission has sought public comment in the *Numbering Resource Optimization Notice*.

8. Congress granted this Commission exclusive jurisdiction over those portions of the North American Numbering Plan (NANP) that relate to the United States, and directed that the Commission administer the NANP in a manner which assures that numbering resources are available on an equitable basis.¹⁹ The Commission was also granted the authority to delegate this jurisdiction to state utility commissions. Thus, while we grant authority below to the Department to engage in various matters related to administration of the NANP in Massachusetts, we require the Department to abide by the same general requirements that this Commission has imposed on the numbering administrator. Thus, the Department, to the extent it acts under the authority delegated herein, must ensure that numbers are made available on an equitable basis; that numbering resources are made available on an efficient and timely basis; that whatever policies the Department institutes with regard to numbering administration not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and that the Department not unduly favor one telecommunications technology over another.²⁰

9. The grants of authority herein are not intended to allow the Department to engage in number conservation measures to the exclusion of, or as a substitute for, unavoidable and timely area code relief.²¹ While we are giving the Department tools that may prolong the lives of existing area codes, the Department continues to bear the obligation of implementing area code relief when necessary, and we expect the Department to fulfill this obligation in a timely manner. Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for a want of numbering resources. For consumers to benefit from the competition envisioned by the Telecommunications Act of 1996, it is imperative that competitors in the telecommunications marketplace face as few barriers to entry as possible.

10. Several commenting parties urged the Commission to grant the Department's Petition in its entirety on the basis that state utility commissions require greater authority to implement number conservation measures in order to rectify the causes of area code exhaust.²²

¹⁸ See *Numbering Resource Optimization Notice*.

¹⁹ 47 U.S.C. § 251(e)(1).

²⁰ See 47 C.F.R. § 52.9(a). See also 47 U.S.C. § 251(e)(1).

²¹ *Pennsylvania Numbering Order* at 19027, ¶ 26.

²² See Connecticut Commission comments; Missouri Commission comments; New Hampshire Commission comments; Pennsylvania Office of Consumer Advocate comments; Pennsylvania Commission comments; Texas

Other parties suggested that we deny the Petition on the basis that number conservation measures must be developed at the national level, and that the Petition does not provide an adequate basis on which to grant the requested delegations of authority.²³

11. *Thousands-block number pooling.* The Department requests authority to institute thousands-block number pooling.²⁴ This Commission tentatively concluded that thousands-block pooling is an important numbering resource optimization strategy, essential to extending the life of the NANP.²⁵ In granting the Illinois Commission the authority to engage in a mandatory thousands-block pooling trial in the *Pennsylvania Numbering Order*, this Commission recognized that state number pooling trials could aid in developing national pooling implementation, architecture, and administrative standards. The Department, noting that the North American Numbering Council (NANC) estimates that thousands-block number pooling would take between 10 and 19 months to implement on a nationwide scale,²⁶ requests the authority to implement its own thousands-block pooling requirements in advance of any federal rules.

12. Commenters representing incumbent local exchange carriers oppose permitting state utility commissions to order thousands-block pooling trials, mainly on the basis that multiple, inconsistent trials would pose an administrative burden to carriers that are present in various states.²⁷ Several wireless carriers have also voiced their opposition to thousands-block pooling trials based on the premise that such trials would require the implementation of local number portability (LNP).²⁸ Some competitive local exchange carriers and other state utility commissions have voiced their support for thousands-block pooling trials as a means to allocate numbers more efficiently and ensure that carriers are given greater access to numbering resources.²⁹

Commission comments; Representative Judith A. Powers comments; Attorney General of Massachusetts reply.

²³ See CTIA comments; Nextel comments; PageNet comments; PCIA comments; SBC comments; US West comments.

²⁴ Historically, network routing mechanisms are based upon the understanding that geographic numbers are assigned on an NXX code basis and associated with a specific switch, and, correspondingly, that the network address to which the call must be routed is embedded in the first six digits (NPA-NXX) of the called number. Thousands-block number pooling allows service providers in a given area to receive numbers in blocks of 1,000 by breaking the association between the NPA-NXX and the service provider to whom the call is routed. Through number pooling, participating carriers can effectively share numbering resources from NXX codes rather than receiving an entire NXX code at a time. *Numbering Resource Optimization Notice* at ¶ 130.

²⁵ *Numbering Resource Optimization Notice* at ¶ 138.

²⁶ See *id.* at ¶ 158.

²⁷ See USTA comments at 8.

²⁸ See CTIA comments at 8; PageNet comments at 4-5; PCIA comments at 9.

²⁹ See California Commission comments at 11; Focal comments at 4; MediaOne comments at 8; New York Commission comments at 4.

13. We have been concerned that the existence of multiple pooling trials in a state or region may strain the capacities of carriers' Service Control Points (SCPs),³⁰ which could affect the ability of carriers' networks to perform LNP and pooling functions. We note, however, that the volume of ported numbers is significantly lower than previously anticipated.³¹

14. Although we remain concerned about the potential strain which multiple thousands-block pooling trials in an MSA, state or region may have on the functioning of the public switched telephone network, we nonetheless believe this relief is appropriate given the strain on Massachusetts' numbering resources. Furthermore, since the release of the *Pennsylvania Numbering Order*, the telecommunications industry has arrived at detailed guidelines governing the technical and administrative functioning of thousands-block number pooling. In the *Pennsylvania Numbering Order*, we stated that upon the establishment of uniform, national standards for pooling, we may determine that it is appropriate to delegate to state commissions the additional authority to implement and enforce those standards.³² We therefore grant authority to the Department to conduct mandatory thousands-block number pooling trials in Massachusetts. We agree with the concern raised by many wireline commenters, however, that inconsistent pooling trials could pose a burden to carriers. To ameliorate this concern, we direct the Department to conduct its pooling trial in accordance with industry-adopted thousands-block pooling guidelines.³³ Where the Department determines that changes, modifications, or departures from the guidelines are desirable, we direct the Department to consult with the industry prior to implementing such changes. Although we will not dictate the manner in which the Department should consult with industry, the Department should, at a minimum, seek input from the industry regarding the implications of any proposed changes to the guidelines so that the Department may be able to weigh the industry's concerns in its decision-making process.

15. We grant this authority subject to the conditions and safeguards similar to those enumerated in the *Pennsylvania Numbering Order* that granted such authority to Illinois.³⁴ Thus,

³⁰ A Service Control Point (SCP) is a database in the public switched network which contains information and call processing instructions needed to process and complete a telephone call. The network switches access an SCP to obtain such information. Telephone Number Portability, *First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, 11 FCC Rcd 8352, 8402 n.288 (1996).

³¹ A projection by the Local Number Portability Administrator, Lockheed Martin IMS, and all seven LLCs projected that over a two-year period a total of 634,556 numbers would be ported during 1998 and 2,658,669 numbers would be ported during 1999 for a single region. Since there are seven LLCs, the total amount of ported numbers nationwide for the two years is projected to be 23.05 million. LNPA Industry Demand Model, Exhibit N-1, at 5 (1998). The actual amount of total numbers ported as of May 1999 was only 1,789,369. See *Local Competition: August 1999*, Industry Analysis Division, Common Carrier Bureau, Federal Communications Commission.

³² *Id.* at 19028, ¶ 28.

³³ Thousand Block (NXX-X) Pooling Administration Guidelines, Draft (INC 99-0127-023) (rev. Jan. 27, 1999) (Thousand Block Pooling Guidelines). This document is available at <<http://www.atis.org/atis/clc/inc/incdocs.htm>>.

³⁴ *Pennsylvania Numbering Order* at 19029-30, ¶ 30.

we require that in any NPA which is in jeopardy in which the Department implements a pooling trial, the Department must take all necessary steps to prepare an NPA relief plan that may be adopted by the Department in the event that numbering resources in the NPA at issue are in imminent danger of being exhausted.³⁵ This criterion is not intended to require the Department to implement an NPA relief plan prior to requiring thousands-block number pooling in eastern Massachusetts. Rather, we require only that the Department must be prepared to implement a "back-up" NPA relief plan prior to the exhaustion of numbering resources in the NPA at issue.³⁶ Consumers should never be in the position of being unable to exercise their choice of carrier because that carrier does not have access to numbering resources. This criterion attempts to ensure that consumers continue to retain a choice of telecommunications providers in the event that the pooling trial or trials do not stave off the need for area code relief.

16. Only those carriers that have implemented permanent LNP shall be subject to the trial.³⁷ At the present time, we do not grant the state commission the authority to require a carrier to acquire LNP solely for the purpose of being able to participate in a thousands-block pooling trial. Carriers are only required to implement LNP if requested by another carrier subject to the requirements established by this Commission.³⁸ Within NPAs that are subject to the pooling trial, non-LNP capable carriers shall have the same access to numbering resources after pooling is implemented that they had prior to the implementation of a pooling regime, *i.e.*, non-LNP capable carriers shall continue to be able to obtain full NXX codes. We recognize that conditioning the Department's authority to implement a mandatory thousands-block pooling trial on exemption of non-LNP capable carriers from participation in the trial will create a disparity in the way different types of service providers obtain access to numbering resources, in tension with the criteria set forth above.³⁹ In order to ensure that consumers may continue to obtain

³⁵ In Illinois, the Illinois Commission recognized a "back-up plan" was necessary because the pooling solution had not been completely developed or tested. Thus, it ordered that an all-services overlay would supersede the pooling trial in the event that the NXXs in the 847 NPA were depleted. *Id.*

³⁶ See Petition by Citizens Utility Board to Implement a form of telephone number conservation known as number pooling within the 312, 773, 847, 630, and 708 area codes and Petition by Illinois Bell Telephone Company for Approval of an NPA Relief Plan for the 847 NPA, Docket Nos. 97-0192 and 97-0211 (Consol.), Order (May 11, 1998) (establishing an area code overlay as a back-up plan concurrently with ordering thousands-block pooling in the 847 NPA). Although the Illinois Commission had an NPA relief plan in place in the 847 NPA to relieve what it had forecast to be imminent exhaust, through number conservation measures, including thousands-block pooling, it has forestalled the need for area code relief. See Petition of the Illinois Commerce Commission for Expedited Temporary Waiver of 47 C.F.R. § 52.19(c)(3)(ii) at 2-3 (filed August 11, 1999).

³⁷ Wireless carriers are not required to implement LNP until November 2002, or until this Commission releases an order establishing requirements for wireless carriers' participation in number pooling in the *Numbering Resource Optimization* docket. See Cellular Telecommunications Industry Association's Petition for Forbearance From Commercial Mobile Radio Services Number Portability Obligations and Telephone Number Portability, *Memorandum Opinion and Order*, WT Docket No. 98-229 and CC Docket No. 95-116, 14 FCC Red. 3092, 3116 ¶ 48 (1999).

³⁸ See 47 C.F.R. § 52.23(b)-(c).

³⁹ See *supra* ¶ 8.

service from non-LNP capable carriers of their choosing, however, we find that for the purposes of this interim delegation, it is necessary to safeguard these carriers' access to numbering resources, while they lack the technical capability to participate in pooling. The *Numbering Resource Optimization Notice* raises a number of issues relating to non-LNP capable carriers' participation in pooling, and we believe these issues are best addressed in the larger rulemaking context. In the meantime, we suggest to the Department that it urge the non-LNP capable carriers to use various other numbering resource optimization strategies such as those discussed in the *Numbering Resource Optimization Notice* to improve the efficiency of numbering resources assigned to such carriers.

17. We direct the Department to ensure that an adequate transition time is provided to carriers to implement pooling in their switches and administrative systems. Thousands-block pooling requires carriers to alter significantly the manner in which they account for their inventory of telephone numbers, including changing their Operations Support Systems (OSSs) and retraining their staffs.⁴⁰ In addition, we also urge the Department not to require carriers to engage in processes related to thousands-block pooling which might divert critical resources away from preparations related to the Year 2000 rollover.⁴¹

18. We further require that the Department determine the method to recover the costs of the pooling trial.⁴² The Department must also determine how carrier-specific costs directly related to pooling administration should be recovered.⁴³ The Commission has tentatively concluded that thousands-block number pooling is a numbering administration function, and that section 251(e)(2) authorizes the Commission to provide the distribution and recovery mechanisms for the interstate and intrastate costs of number pooling.⁴⁴ We conclude that inasmuch as we are hereby delegating numbering administration authority to the Department, the Department must abide by the same statute applicable to this Commission, and, therefore, ensure that costs of number pooling are recovered in a competitively neutral manner.⁴⁵ We note that the

⁴⁰ See Letter from Todd D. Daubert, Counsel for Winstar, to Magalie R. Salas, Secretary, FCC, dated July 28, 1999.

⁴¹ See National Association of Regulatory Utility Commissioners (NARUC), "Resolution Urging State Commissions to Consider Honoring Utility Requests to Defer Deadlines Because of Y2K Considerations," adopted July 23, 1999. See also Memorandum from Jacob J. Lew, Director, Chief Information Officers Council, to the heads of executive departments and agencies, dated May 14, 1999 (requesting that federal agencies refrain from establishing requirements that would have an adverse effect on the Year 2000 readiness of regulated entities).

⁴² The *Numbering Resource Optimization Notice* tentatively concluded that thousands-block number pooling administration involved three categories of costs: (1) shared industry costs, which include the cost to fund the pooling administrator; (2) carrier-specific costs directly related to thousands-block pooling implementation, including, for example, costs directly related to updating carriers' LSMS to support pooling; and (3) carrier-specific costs not directly relating to thousands-block pooling implementation. *Numbering Resource Optimization Notice* at ¶¶ 203-09.

⁴³ See *id.* at ¶ 197.

⁴⁴ *Id.* at ¶ 193.

⁴⁵ 47 U.S.C. § 251(e)(2).

Telephone Number Portability proceeding found that section 251(e)(2) requires all carriers to bear the costs of number portability on a competitively neutral basis, and, thus, established a cost recovery mechanism that assesses even carriers that cannot or have not implemented LNP to date.⁴⁶ The Department may consider the recently released *Telephone Number Portability Order* for guidance regarding the criteria with which a cost recovery mechanism must comply in order to be considered competitively neutral:

First, "a 'competitively neutral' cost recovery mechanism should not give one service provider an appreciable, incremental cost advantage over another service provider, when competing for a specific subscriber." Second, the cost recovery mechanism "should not have a disparate effect on the ability of competing service providers to earn normal returns on their investments."⁴⁷

Consistent with our treatment of cost recovery in the *Telephone Number Portability* proceeding, we believe that even those carriers that cannot participate in pooling at this time will benefit from the more efficient use of numbering resources that pooling will facilitate. We also encourage the Department to consider the "road map" provided by the *Numbering Resource Optimization Notice* regarding cost recovery for thousands-block number pooling.⁴⁸

19. In order to minimize possible disruption and expense and maximize the value of the information that can be obtained from a number pooling trial, we believe that such a trial should be limited in nature. As an initial matter, we limit the authority we grant to the Department to a trial that generally covers one Metropolitan Statistical Area (MSA).⁴⁹ We believe that such a limitation strikes the appropriate balance between the Department's desire to move quickly to implement measures that will enhance number utilization efficiency, and possibly prolong the lives of certain area codes in eastern Massachusetts and our obligation to ensure that such pooling trials are implemented and conducted in a manner that does not disrupt network operations or reliability. We believe these goals ultimately benefit consumers in eastern

⁴⁶ *Telephone Number Portability, Third Report and Order*, 13 FCC Rcd 11701, 11759 (1998). The Commission also found that it was equitable for all telecommunications carriers, even those without end-user revenues and those not directly involved in number portability, to contribute towards LNP costs because they will all benefit from number portability's role in increasing local competition and ameliorating number exhaust concerns by making number pooling possible. *Id.*

⁴⁷ *Telephone Number Portability, Fourth Memorandum Opinion and Order on Reconsideration*, CC Docket No. 95-116, RM 8535, FCC 99-151, at ¶ 32 (rel. July 16, 1999) (citing *Telephone Number Portability*, CC Docket No. 95-116, *First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 8352, 8420-21 (1996)).

⁴⁸ *Numbering Resource Optimization Notice* at ¶¶ 193-210.

⁴⁹ MSAs are geographic areas designated by the Bureau of Census for purposes of collecting and analyzing data. The boundaries of MSAs are defined using statistics that are widely recognized as indications of metropolitan character. See Policy and Rules Concerning Rates for Dominant Carriers, *Memorandum Opinion and Order*, CC Docket No. 87-313, FCC 97-168 (rel. May 30, 1997) at 17 n.26. When implementing LNP, the Commission established a phased implementation schedule based on MSAs. *Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, RM 8535, 11 FCC Rcd 8352, 8394-95, ¶ 81 (1996).

Massachusetts by allowing the Department to move forward with a pooling trial quickly in whatever area it determines it is most necessary, while providing some assurance that the network changes required for the trials are implemented in a manner that does not disrupt the normal functioning of the network in Massachusetts and nationwide.

20. After having implemented a thousands-block number pooling trial in one MSA, the Department may wish to expand to another MSA.⁵⁰ Should it wish to do so, we direct the Department to allow sufficient transition time for carriers to undertake any necessary steps, such as modifying databases and upgrading switch software, to prepare for an expansion of thousands-block pooling to another MSAs.⁵¹ In other words, start dates for thousands-block pooling trials in different MSAs should be appropriately staggered to permit the industry to undertake all necessary steps. The purpose of a staggered roll-out is to provide carriers time to upgrade or replace their SCPs and other components of their network, as necessary, if the increased volume of ported numbers as a result of the pooling trial requires them to do so.

21. We suggest to the Department that it consider concentrating its thousands-block pooling trial in those NPAs which are the best candidates for pooling, based on the considerations set forth in the *Numbering Resource Optimization Notice*.⁵² For example, we encourage the Department to consider number pooling in areas where multiple, LNP-capable carriers exist. We also suggest to the Department that it allow for exceptions to participating in a pooling trial, if doing so would prove prohibitively expensive to a particular carrier. For example, certain switch types may not be able to accommodate thousands-block number pooling.⁵³ Finally, as we stated in the *Numbering Resource Optimization Notice*, we encourage the Department, to the extent it has not already done so, to consider consolidating rate centers prior to implementing pooling.⁵⁴ Fewer, larger pools logically increase the effectiveness of thousands-block pooling.⁵⁵

22. We reiterate that the authority we grant herein to the Department to undertake a thousands-block pooling trial is interim in nature, and is in no way intended to relieve the Department of its obligation to implement necessary area code relief in a timely fashion. Whatever decisions this Commission reaches with regard to thousands-block pooling

⁵⁰ A thousands-block pooling trial is implemented when LNP-capable carriers are contributing and receiving numbers in blocks of 1,000 from the pool. Furthermore, for a pooling trial to have been implemented, a pooling administrator must be chosen and responding to requests from carriers for numbering resources.

⁵¹ See Letter from Todd D. Daubert, Counsel for Winstar, to Magalie R. Salas, Secretary, FCC, dated July 28, 1999 (detailing concerns with expanding the thousands-block pooling trial in Illinois to other NPAs, and noting that Winstar requires approximately 90 days to prepare its OSS systems for new pooling markets).

⁵² *Numbering Resource Optimization Notice* at ¶ 148-53.

⁵³ See *id.* at ¶ 149.

⁵⁴ See *id.* at ¶ 151.

⁵⁵ See *id.*

administration and guidelines will supersede whatever systems the Department puts in place prior to enactment of those rules.

23. *Reclamation of unused and reserved NXX codes.* The CO Code Assignment Guidelines provide that carriers shall activate NXXs within six months of the “initially published effective date.”⁵⁶ The Department provided information following its filing of the Petition that several carriers had voluntarily returned unused NXXs to the North American Numbering Plan Administrator (NANPA).⁵⁷ We are encouraged to learn that certain carriers are voluntarily returning codes that they have not used, but we are concerned that enforcement of the guidelines has been lax.⁵⁸ Most commenters support the reclamation of unused codes,⁵⁹ and those opposed to this delegation are not necessarily opposed to reclaiming unused codes in general, but rather assert that the NANPA is responsible for reclamation activities.⁶⁰ Reclaiming NXX codes that are not in use may serve to prolong the life of an area code, because these codes are added to the total inventory of assignable NXX codes in the area code. Therefore, we grant authority to the Department to investigate whether code holders have activated NXXs assigned to them within the time frames specified in the CO Code Assignment Guidelines, and to direct the NANPA to reclaim NXXs that the Department determines have not been activated in a timely manner. This authority necessarily implies that the Department may request proof from all code holders that NXX codes have been “placed in service” according to the CO Code Assignment Guidelines.⁶¹ We further direct the NANPA to abide by the Department’s determination to reclaim an NXX code if the Department is satisfied that the code holder has not activated the code within the time specified by the CO Code Assignment Guidelines.

24. We note that the CO Code Assignment Guidelines dictate substantial procedural hurdles prior to reclaiming an unused NXX, in part to afford the code holder an opportunity to explain the circumstances that have led to a delay in code activation.⁶² New entrants, in

⁵⁶ See Central Office Code (NXX) Assignment Guidelines, INC 95-0407-008 (rev. Apr. 26, 1999) at § 6.3.3 (CO Code Guidelines). This document is available at <<http://www.atis.org/atis/clc/incdocs.htm>>.

⁵⁷ See Letter from Janet Gail Besser, Chair, Massachusetts Department of Telecommunications and Energy, to Lawrence E. Strickling, Chief, Common Carrier Bureau, dated May 10, 1999, at 2.

⁵⁸ See MediaOne comments at 6.

⁵⁹ California Commission comments at 4-5; Focal comments at 2; Level 3 comments at 3; MediaOne comments at 6; New York Commission comments at 8; RCN comments at 4.

⁶⁰ AT&T comments at 19; MCI WorldCom comments at 14; USTA comments at 4.

⁶¹ Under the CO Code Assignment Guidelines, carriers are obligated to submit to the NANPA within six months of the requested effective date of newly obtained NXX codes a Part 4 certification that the code has been placed in service. See CO Code Assignment Guidelines NXX Assignment Request Form, Part 4.

⁶² For example, the CO Code Guidelines dictate that the CO Code Administrator must refer to the INC for resolution of any matter relating to an NXX code that has not been activated within the timeframe specified in the guidelines. CO Code Assignment Guidelines at § 8.2.2. The INC must then investigate the referral and attempt to resolve the referral. CO Code Assignment Guidelines at § 8.3. Absent consensus resolution, the matter is then referred to the “appropriate regulatory body” for resolution. *Id.*

particular, may suffer unexpected delays or scheduling setbacks beyond their control, which lead to code activation delays.⁶³ We clarify that the Department need not follow the reclamation procedures set forth in the CO Code Assignment Guidelines relating to referring the issue to the Industry Numbering Committee (INC), as long as the Department accords the code holder an opportunity to explain the extenuating circumstances behind the unactivated NXX codes.

25. The Department has also requested authority to investigate whether any NXX codes demarcated as “reserved” by Bell Atlantic-Massachusetts can be placed in carriers’ pools for allocation. Bell Atlantic did not address this portion of the Petition in its comments. Given the assertions of the Department that a meaningful percentage of NXX codes are reserved for testing or other purposes, we grant the Department the authority to investigate whether any of these codes can be placed in carriers’ pools for potential activation, without causing disruption to Bell Atlantic’s operations. If, after such an investigation, the Department is satisfied that Bell Atlantic’s use of these codes for testing purposes is not warranted, the Department may direct the NANPA to reclaim these codes for assignment to other carriers.

26. *Reclamation of portions of unused NXX codes.* The Department also requests the authority to reclaim unused blocks of 1,000 numbers from code holders in Massachusetts. Although not explicitly stated by the Department, the only logical purpose for reclaiming unused thousands blocks would be in conjunction with a number pooling trial. Reclamation of blocks of 1,000 numbers with no, or a relatively low contamination rate, has the potential to add significant numbering resources in areas where thousands-block number pooling has been implemented.⁶⁴ Parties opposed to thousands-block pooling trials are similarly opposed to reclaiming unused, or lightly used, blocks of 1,000 numbers.⁶⁵ Therefore, to the extent we have delegated the authority to initiate a thousands-block number pooling trial, we also delegate authority to the Department to reclaim unused thousands blocks in connection with that trial. The conditions that apply to the implementation of a thousands-block number pooling trial shall also apply to any reclamation of unused blocks of numbers. In particular, the industry’s guidelines regarding reclamation of thousands blocks shall apply to the Department.⁶⁶

27. *Maintenance of rationing procedures for 6 months following area code relief.* The Department requests the authority to maintain current NXX code rationing measures for six months following area code relief in the area codes at issue in the Petition. It states that this authority would be used to delay another declaration of jeopardy immediately following

⁶³ See Level 3 comments at 3-4 (stating that carriers should not be forced to return unused NXX codes prematurely if business plans call for their use in the foreseeable future); MediaOne comments at 6 (stating that CLECs that obtain codes prior to launching service must have the flexibility to activate initial codes while in the process of rolling out telephony throughout the state); RCN comments at 4 (noting that CLECs may place orders for NXX codes months in advance to ensure sufficient resources when they begin offering service).

⁶⁴ *Numbering Resource Optimization Notice* at ¶ 187.

⁶⁵ See, e.g., MCI WorldCom comments at 14.

⁶⁶ See Thousand Block Pooling Guidelines at §§ 8.1.4-8.1.5 (specifying only that blocks with less than ten percent contamination shall be donated to the industry pool of thousands blocks).

implementation of an area code relief plan. According to the Department, the 781 and 978 area codes went into jeopardy shortly after their activation.⁶⁷

28. Although most industry parties are opposed to granting an extension of rationing procedures because it delays needed area code relief and thereby inhibits carriers' ability to obtain numbering resources with which to serve customers,⁶⁸ there are a few competitive LECs that contend that allowing an additional six months of rationing would not cause undue harm to any carrier.⁶⁹

29. The *Pennsylvania Numbering Order* stated that state commission implementation of number conservation measures could not be used "as substitutes for area code relief or to avoid making difficult and potentially unpopular decisions on area code relief."⁷⁰ Requesting a continuation of rationing after area code relief has been implemented does not contradict the *Pennsylvania Numbering Order*, as the requisite area code relief has, in fact, been implemented. This measure seeks only to provide "breathing room" to state commissions that have just undergone the difficult process of implementing a new area code. Furthermore, a limitation of six months does not have the potential—in contrast to rationing prior to area code relief—to forestall area code relief indefinitely.

30. When area code relief takes the form of an area code split, we grant the Department the authority to direct that whatever rationing plan was in place prior to area code relief continue to be applied in both the newly implemented area code and the relieved area code for a period of up to six months following the area code relief date.⁷¹ Correspondingly, if the area code relief is in the form of an overlay, the Department may direct that the pre-existing rationing plan be applied to both the overlay code and the relieved code for a period of six months following the area code relief date. For reasons discussed in paragraph 38 below, we limit this authority to continuing the pre-NPA relief rationing procedures. Whether the rationing plan in place prior to relief was an industry consensus plan, or whether it was a state commission-ordered plan, only those terms in place prior to area code relief may remain in place for up to six months following area code relief. The Department may order a continuation of rationing for up to six months, but neither the Department, nor the telecommunications industry participants in a consensus plan may alter the terms of the rationing plan. We find this limitation appropriate to prevent potentially contentious re-opening of the terms of a previously settled code rationing plan, resulting in uncertainty and a drain on resources.

⁶⁷ Petition at 8.

⁶⁸ AT&T comments at 21; Bell Atlantic comments at 3; Focal comments at 2; MCI WorldCom comments at 14; MediaOne comments at 11; Sprint comments at 9-10; USTA comments at 5.

⁶⁹ Level 3 comments at 5; RCN comments at 5.

⁷⁰ *Pennsylvania Numbering Order* at 19027, ¶ 26.

⁷¹ The "NPA relief date" is defined in the NPA Code Relief Planning and Notification Guidelines as the date by which the NPA is introduced and routing of normal commercial traffic begins. NPA Code Relief Planning and Notification Guidelines at 14.0.

31. *Setting NXX code allocation standards.* The Department seeks broad authority to “set the standards for allocation of exchange codes.”⁷² Included in this request is the authority to address fill rate and inventory level requirements. We agree with the Department that extension of this authority to non-jeopardy NPAs will encourage more efficient use of NXX codes and thereby defer an NPA being declared in jeopardy.⁷³ Subject to the conditions set forth below, we hereby delegate authority to the Department to require NXX code applicants to demonstrate that they have met certain fill rates prior to obtaining additional numbering resources, even in non-jeopardy NPAs.⁷⁴ Specifically, the Department may require that carriers achieve a certain fill rate in growth NXX codes⁷⁵ and within thousands blocks, in areas where it has implemented thousands-block pooling.

32. Notwithstanding this grant of authority to the Department, we remain very concerned about the potential competitive impact of imposing a fill-rate regime on carriers’ ability to serve customers. For example, commenters point out that mandatory fill rates or utilization thresholds may interfere with a carrier’s ability to meet customers’ demands for new services.⁷⁶ This is largely due to the time it takes to activate an NXX code in nationwide databases.⁷⁷ If a carrier has a relatively high rate of customer demand for service, it may reach the requisite fill rate, but be unable to get more numbering resources in time to meet customer demand.⁷⁸ Furthermore, a strict fill-rate regime may not accommodate customers’ requests for specific numbers or specific ranges of numbers. These concerns and others about the use of fill rates as opposed to the industry’s current “months-to-exhaust” model are set forth in the *Numbering Resource Optimization Notice*.⁷⁹ In this light, although we do not wish to dictate the parameters of the fill-rate regime, we urge the Department to allow for some flexibility in establishing fill rates and applying them to carriers. Our primary concern, therefore, is that fill

⁷² Petition at 9.

⁷³ See Petition at 9.

⁷⁴ The *Pennsylvania Numbering Order* invited states to consider imposing usage thresholds on carriers before obtaining NXX codes within the same rate center in jeopardy situations subject to state-ordered NXX code rationing plans. *Pennsylvania Numbering Order* at 19025-26, ¶ 24.

⁷⁵ A “growth” code is an additional NXX code requested for an established switching entity, point of interconnection, or rate center when the telephone numbers available for assignment in previously assigned NXX codes will not meet expected demand. CO Code Guidelines at § 13.0. An “initial” code is the first NXX code assigned to the carrier at a new switching entity, POI or unique rate center, and the administrator is to assign initial codes to the extent required to terminate traffic. *Id.*

⁷⁶ AT&T comments at 13-14.

⁷⁷ The CO Code Guidelines state that NXX code applicants should request “effective dates” for code activation at least 66 days after the receipt of a code request to allow 45 days for activation plus 21 days for code request processing. CO Code Guidelines at § 6.1.2.

⁷⁸ See AT&T comments at 14; MCI WorldCom comments at 12.

⁷⁹ *Numbering Resource Optimization Notice* at ¶¶ 62-68.

rates not be applied in such a manner as to deprive customers of their choice of carriers from whom to purchase service upon request.

33. We are also concerned about the impact of multiple, disparate number conservation regimes on the availability of telecommunications services and the industry's ability to forecast and plan properly for exhaust of the NANP.⁸⁰ Therefore, during its implementation of this authority, we ask that the Department consult and coordinate with other state commissions that may obtain authority to impose fill rates.⁸¹ We encourage the Department to establish fill rates that are not inconsistent with those imposed by other states.

34. Despite these concerns, we recognize the need to address the critical situation in eastern Massachusetts. In setting certain guidelines for the Department to follow, we hope to allay concerns about possible competitive impacts, while enabling the Department to adopt a quantifiable means of ensuring that carriers are using their numbers with maximum efficiency.

35. First, the Department may only consider a carrier's fill rate in relation to growth codes. We do not believe that a carrier's ability to establish a service "footprint" should be restricted. That is, a carrier ought to be able to obtain initial numbering resources in rate centers where the carrier is authorized to offer service and plans to do so within the NXX activation timeframe established by the CO Code Assignment Guidelines (six months). We wish to avoid imposing barriers to competitive entry into the telecommunications marketplace to service providers with a legitimate demand for service in Massachusetts. A carrier that is newly providing service may not be able to achieve a prescribed fill rate in an NXX code (or thousands-block, if the numbering request is in an area where the Department has instituted thousands-block number pooling) for quite some time. With respect to fill rates, however, we conclude that the importance of bringing choice to consumers outweighs the numbering inefficiencies experienced by new entrants.

36. Second, as stated in the *Pennsylvania Numbering Order*, we are concerned that granting this request and other, similar requests will overburden the NANPA, which based its bid for providing number administration services on industry guidelines that are applicable nationwide.⁸² Therefore, to avoid imposing an additional burden on the NANPA, to the extent

⁸⁰ See *Pennsylvania Numbering Order* at 19019-20, ¶ 15.

⁸¹ See Common Carrier Bureau Seeks Comment on State Utility Commission Requests for Additional Authority To Implement Telecommunications Numbering Conservation Measures, *Public Notice*, NSD File Nos. L-98-136, L-99-19, L-99-21, L-99-27, L-99-33, DA 99-1198 (rel. June 22, 1999) (California, Florida, Maine, Massachusetts, New York); Common Carrier Bureau Seeks Comment on the Texas Public Utility Commission Petition for Delegation of Additional Authority to Implement Number Conservation Measures, *Public Notice*, NSD File No. L-99-55, DA 99-1380, (rel. July 14, 1999); Common Carrier Bureau Seeks Comment on the Connecticut Department of Public Utility Control's Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures, *Public Notice*, NSD File No. L-99-62, DA 99-1555 (rel Aug. 5, 1999).

⁸² See *Pennsylvania Numbering Order* at 19031-32, ¶ 33 (finding that if every state commission implemented its own NXX code administration measures, the NANPA would have the potentially impossible task of performing its code administration and NPA relief planning functions in a manner consistent with industry guidelines and fifty-one different state regimes).

that the Department chooses to implement a fill-rate requirement, we delegate authority to the Department to ascertain carrier compliance with the fill-rate requirement. To avoid delay in NXX code application processing, we direct the Department to conduct its review of carrier compliance with any required fill rate within the ten-day timeframe established by the CO Code Assignment Guidelines as the time in which the NANPA must respond to an applicant's NXX code request. Of course, a carrier's failure to provide the Department with adequate evidence of compliance with the fill-rate requirement upon request will toll the running of this 10-day timeframe. Further, while we delegate to the Department the authority to request and evaluate information provided by carriers to demonstrate compliance with the fill rate, we request that the Department not release such information to any entity other than the NANPA, this Commission, or the Common Carrier Bureau.

37. *Hearing and addressing claims outside of the rationing process.* The Department seeks the authority to hear and address claims of carriers seeking additional NXX codes to ensure that those carriers otherwise unable to serve their customers acquire additional numbering resources outside of the rationing plan. In response to a request in the Pennsylvania Numbering Order, the NANC considered this issue, but was unable to reach a consensus on whether state commissions or the NANPA should be the entity to rule on requests from carriers for numbering resources outside of a rationing plan.⁸³ Of all the measures proposed, most of the commenters supported this aspect of the Department's petition.⁸⁴

38. We grant the Department's request to address extraordinary need for numbering resources in an NPA subject to a rationing plan. If requested, the Department may hear and address claims of carriers claiming that they do not, or in the near future will not, have any line numbers remaining in their NXX codes, and will be unable to serve customers if they cannot obtain an NXX code, or that they are using or will have to use extraordinary and unreasonably costly measures to provide service.⁸⁵ This grant of authority further empowers the Department to direct the NANPA to assign an NXX code to a carrier outside the rationing plan currently in place in an area code, upon the Department's determination that such relief is necessary. We also grant the Department the authority to request whatever information the Department deems necessary to evaluate a carrier's request for additional numbering resources. This information may include the carrier's business plan, requests for new service that the carrier has denied because of its lack of numbering resources, historical information on the carrier's growth rate, and information on any extraordinary steps the carrier is taking to provide service.⁸⁶ Further, while we delegate to the Department the authority to request and evaluate this information, we

⁸³ Letter from Alan C. Hasselwander, Chairman, North American Numbering Council, to Lawrence E. Strickling, Chief, Common Carrier Bureau, dated December 7, 1998.

⁸⁴ See Focal comments at 3; Level 3 comments at 6; MCI WorldCom comments at 15 (contending it is unnecessary to grant the request given the FCC's letter regarding Sprint's request for additional numbering resources in New York); MediaOne comments at 13; RCN comments at 5; Sprint comments at 13. *But see* USTA comments at 6 (noting that the NANC concluded the NANPA should address such claims).

⁸⁵ See *Pennsylvania Numbering Order* at 19039, ¶ 49.

⁸⁶ See *id.*

request that the Department not release such information to any entity other than the NANPA, this Commission, or the Common Carrier Bureau. This grant of authority empowers the Department to ensure that carriers in dire need of numbering resources can obtain the numbering resources necessary to continue to provide service to their prospective customers, if the rationing plan will not ensure that the carrier will have adequate and timely access to numbering resources.

39. *Inconsistent Rate Centers and Extended Local Calling Areas.* The Department also requests the authority to implement Inconsistent Rate Centers and Extended Local Calling Areas (ELCAs). An inconsistent rate center exists when the rate center boundaries of a competitive LEC do not match the boundaries of the ILEC in a given area.⁸⁷ ELCAs are technical arrangements which typically allow wireline callers to call wireless subscribers within a large geographic area. The wireless carrier can assign numbers from a single NXX to cover the ELCA, which may cover several of the incumbent LEC's rate centers. In this way, wireless carriers may only require as many NXX codes as are necessary to serve their customers, rather than obtaining one NXX per rate center.⁸⁸ Although, to date, ELCAs have been deployed only between wireless and wireline service providers, the NANC Report notes that nothing precludes wireline to wireline participation in ELCAs.⁸⁹

40. Both IRCs and ELCAs have the potential to make more efficient use of numbers, as fewer NXX codes may need to be assigned to serve a larger geographic area than might have been possible under the standard procedure of using one NXX per ILEC rate center.⁹⁰ A potential downside to IRCs is that they may compromise the effectiveness of pooling by creating more, smaller pools than would otherwise exist.⁹¹ ELCAs, which today exist only as arrangements between CMRS carriers and incumbent LECs, would require CLECs to enter into traffic exchange arrangements similar to those which incumbent LECs have entered with wireless carriers.⁹² These measures, as they involve matters relating to local calling scopes and local call rating, fall under state utility commissions' rate-making authority.⁹³ We, therefore, do not need to address this request of the Department, but rather leave implementation of these measures to the discretion of the Department.

⁸⁷ See "Number Resource Optimization Working Group Modified Report to the North American Numbering Council on Number Optimization Methods" at § 3.1 (dated October 21, 1998) (hereinafter NANC Report).

⁸⁸ NANC Report at § 2.1.

⁸⁹ *Id.*

⁹⁰ See Common Carrier Bureau Seeks Comment On North American Numbering Council Report Concerning Telephone Number Pooling And Other Optimization Measures, *Public Notice*, NSD File No. L-98-134, DA 98-2265, at 4 (rel. Nov. 6, 1998) (NANC Report Public Notice).

⁹¹ See MCI WorldCom comments at 16.

⁹² See *Id.* at 17.

⁹³ See NANC Report Public Notice at 3.

41. *Revision of rationing procedures.* The Department has also sought the authority to revise the rationing procedures now in effect expressly for the purpose of prolonging the lives of the existing area codes.⁹⁴ Although the Department may order and revise rationing processes where it has ordered area code relief and established a relief date or, the industry has been unable to reach consensus on a rationing plan,⁹⁵ rationing of NXX codes should only be for the express purpose of extending the life of the area code until the date of area code relief implementation.⁹⁶

As determined in the *Pennsylvania Numbering Order*, state commissions may not use rationing as a substitute for area code relief.⁹⁷ We believe that the authority we are herein delegating to the Department will provide the Department the tools it needs to address the underlying behaviors contributing to the inefficiencies of numbering use in eastern Massachusetts. We hope that the Department's judicious exercise of these measures will, indeed, extend the lives of the area codes at issue in the Petition, as well as whatever new area codes might be introduced in eastern Massachusetts, and we invite the Department to keep this Commission apprised regarding the efficacy of these measures. Accordingly, at this time, we decline to reach the Department's request for authority to revise rationing plans put into place pursuant to industry consensus.

42. *Unassigned Number Porting.* The Department requests the authority to implement Unassigned Number Porting (UNP) as an additional tool to conserve numbering resources. As described in the 1998 NANC Numbering Resource Optimization Report (NANC Report), UNP is a telephone number usage optimization measure where available individual telephone numbers in one service provider's inventory are ported, using LNP, to another service provider under the direction of a neutral third party coordinator for assignment by the second service provider to a specific customer.⁹⁸ The NANC Report focused on the use of UNP in extreme cases of number shortages, where individual service providers are otherwise completely unable to otherwise obtain telephone number to serve customers.⁹⁹ The Department has not provided us with information relating to the details of the proposed use of UNP in eastern Massachusetts.

43. We agree with most of the industry commenters that UNP is currently at too early a stage of development to order implementation.¹⁰⁰ We are also concerned with the impact of

⁹⁴ According to the Department, 6 NXX codes are being rationed each month in the 508 and 617 area codes, 8 are being rationed monthly in the 781 area code, and 10 are being rationed in the 978 area code. Petition at 8.

⁹⁵ See *Pennsylvania Numbering Order* at 19026-27, ¶ 25.

⁹⁶ *Id.* at 19038-39, ¶ 48.

⁹⁷ See *id.* at 19027, ¶ 26.

⁹⁸ NANC Report at § 6.1.1.

⁹⁹ NANC Report at § 6.1.1.

¹⁰⁰ AT&T comments at 12 (stating that UNP is undeveloped and cannot be implemented in any meaningful way, but it may be appropriate to revisit the issue of whether a state-ordered UNP trial is appropriate following successful implementation of thousands-block pooling); Bell Atlantic comments at 4 (stating that implementing UNP with nationwide implementation of thousands-block pooling would only complicate and delay thousands-

UNP on carriers' ability to control their own number inventories. With UNP, because service providers will obtain telephone numbers from other service providers' inventories, the service provider donating numbers will face difficulty forecasting future numbering needs.¹⁰¹ The NANC Report indicates that many companies' OSSs are designed to accommodate large inventories of telephone numbers, linking each street address to an NPA/NXX combination. If UNP leads to significant number porting, this mapping logic becomes quite difficult to support.¹⁰² We are also concerned with UNP's potential impact on companies' switching systems. UNP may cause problems with switches that can only accept a limited number of NXX codes, as number inventories will be increasingly composed of random telephone numbers from many different NXX codes.¹⁰³ Bell Atlantic raises the concern that implementing UNP now might complicate the effort to move to thousands-block pooling, as carriers' efforts to preserve uncontaminated, or minimally contaminated, blocks of numbers may be undermined.¹⁰⁴ For the aforementioned reasons, we decline to grant the Department's request for authority to implement UNP.

44. We emphasize, however, that our determination not to grant the Department the authority to order carriers to use UNP does not preclude carriers from voluntarily engaging in UNP where mutually agreeable and where there are no public safety or network reliability concerns. As a matter of fact, we encourage the carriers to do so. Furthermore, we also encourage the Department and the carriers to work together to identify and promote other innovative measures as well that would encourage the conservation of NXX codes.

IV. CONCLUSION

45. We recognize the difficult situation for consumers in eastern Massachusetts, having had to undergo several area code changes in only a few years, with the potential for more on the near horizon. The authority we have herein delegated to the Department, we hope, will provide it the tools it needs to address the situation. For example, the authority to order a thousands-block pooling trial allows the Department to address inefficiencies on the supply side of the telephone number assignment regime by ordering that LNP-capable carriers receive smaller blocks of numbers than they now do. The authority to address carriers' fill rates allows the Department to address the demand side of the number assignment regime by requiring that

block pooling); MediaOne comments at 8-9 (stating that UNP puts a carrier at the mercy of its competitors to satisfy numbering requirements); RCN comments at 8 (stating that national standards are necessary for implementation of UNP); USTA comments at 9 (stating that implementing UNP anywhere would divert essential industry resources from the resolution of issues associated with thousands-block number pooling). *See also* California Commission comments at 13 (noting that more information is needed as to how UNP would work, and urging this Commission to address and resolve the issue).

¹⁰¹ NANC Report at § 6.6.2.

¹⁰² NANC Report at § 6.6.3.

¹⁰³ NANC Report at § 6.6.4.1.

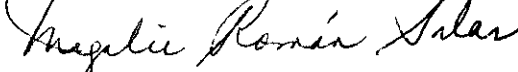
¹⁰⁴ Bell Atlantic comments at 4.

carriers not request more numbering resources until they have used a certain percentage of those already in their inventory.

V. ORDERING CLAUSE

46. Accordingly, pursuant to sections 1, 4(i), and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 251, and pursuant to sections 1.1 and 52.9(b) of the Commission's Rules, 47 C.F.R. §§ 1.1 and 52.9(b), IT IS ORDERED that the Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes is GRANTED IN PART and DENIED IN PART to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION



Magalie Roman Salas
Secretary